

TRANSLATION

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 21066.2/04	FOR FURTHER ACTION	See Form PCT/IPEA/416
International application No. PCT/EP2004/011526	International filing date (<i>day/month/year</i>) 14.10.2004	Priority date (<i>day/month/year</i>) 16.10.2003
International Patent Classification (IPC) or national classification and IPC G06F9/445, G06F9/455		
Applicant KUKA ROBOTER GMBH		

1.	This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.	
2.	This REPORT consists of a total of <u>6</u> sheets, including this cover sheet.	
3.	This report is also accompanied by ANNEXES, comprising: a. <input type="checkbox"/> (<i>sent to the applicant and to the International Bureau</i>) a total of _____ sheets, as follows: <input type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions). <input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box. b. <input type="checkbox"/> (<i>sent to the International Bureau only</i>) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).	
4.	This report contains indications relating to the following items: <input checked="" type="checkbox"/> Box No. I Basis of the report <input type="checkbox"/> Box No. II Priority <input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability <input type="checkbox"/> Box No. IV Lack of unity of invention <input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement <input type="checkbox"/> Box No. VI Certain documents cited <input type="checkbox"/> Box No. VII Certain defects in the international application <input type="checkbox"/> Box No. VIII Certain observations on the international application	

Date of submission of the demand	Date of completion of this report
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/EP2004/011526

Box No. I Basis of the report

1. With regard to the **language**, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
- ☐ This report is based on translations from the original language into the following language _____, which is the language of a translation furnished for the purposes of:
- ☐ international search (Rule 12.3 and 23.1(b))
- ☐ publication of the international application (Rule 12.4)
- ☐ international preliminary examination (Rule 55.2 and/or 55.3)
2. With regard to the **elements** of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:
- ☐ the international application as originally filed/furnished
- ☒ the description:
- pages 1-19 as originally filed/furnished
- pages* _____ received by this Authority on _____
- pages* _____ received by this Authority on _____
- ☒ the claims:
- nos. 2-21, 23-30 as originally filed/furnished
- nos.* _____ as amended (together with any statement) under Article 19
- nos.* 1, 22 received by this Authority on 22.09.2005 with letter of 20.09.2005
- nos.* _____ received by this Authority on _____
- ☒ the drawings:
- sheets 1/4-4/4 as originally filed/furnished
- sheets* _____ received by this Authority on _____
- sheets* _____ received by this Authority on _____
- ☐ a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.
3. ☐ The amendments have resulted in the cancellation of:
- ☐ the description, pages _____
- ☐ the claims, nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to sequence listing (*specify*): _____
4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
- ☐ the description, pages _____
- ☐ the claims, nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to sequence listing (*specify*): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/EP2004/011526

Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement		
1.	Statement		
	Novelty (N)	Claims <u>1-30</u>	YES
		Claims _____	NO
	Inventive step (IS)	Claims _____	YES
		Claims <u>1-30</u>	NO
	Industrial applicability (IA)	Claims <u>1-30</u>	YES
		Claims _____	NO
2.	Citations and explanations (Rule 70.7)		
1.	See supplemental box.		
2.	<p>Inventive step for the independent claims</p> <p>The present application fails to meet the requirements of PCT Article 33(1) because the subject matter of claims 1 and 22 does not involve an inventive step within the meaning of PCT Article 33(3).</p>		
2.1.	<p>D1 is considered to be the prior art closest to the subject matter of claim 1. D1 discloses (the references in parentheses are to D1; the original wording of claim 1 is in <i>italics</i>; features that are not explicitly disclosed are crossed out):</p> <p><i>method of operating (implementing) a secondary operating system alongside a primary operating system on a processor (page 1, lines 1-5) involving a switch from the primary operating system to the secondary operating system brought about by an interrupt call (interrupt) (page 1, lines 19-31), characterized in that, to load and control the secondary operating system, a</i></p>		

Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
	<p><i>secondary operating system driver (SBS driver) of the primary operating system is loaded and activated (page 1, lines 10-19, the dispatcher here carries out the task of accessing the secondary operating system, i.e. falls under the general definition of a driver; see definition of driver (software) at Wikipedia.org), said secondary operating system driver accessing the information stored in the interruption table of the secondary operating system in response to the interrupt call, said information indicating the point in the secondary operating system at which processing of the interrupt call is to take place, by means of an interrupt call processing process.</i></p> <p>Thus the subject matter of claim 1 differs from the known disclosure D1 in that, in the switch from the primary operating system to the secondary operating system taking place as a result of an interruption, <u>the interruption is processed by means of an interruption table in the secondary operating system.</u></p> <p>The problem to be solved by the present invention can therefore be regarded as that of making it possible to find the address for processing the interruption in the secondary operating system by means of a table.</p> <p>This feature, however, has been used precisely for this purpose in D4 (see abstract, paragraph [0031] and figures 5 and 6). Since D4 relates to the same</p>

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/EP2004/011526

Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
	<p>technical field, it is obvious for a person skilled in the art to combine the features of D1 and D4.</p> <p>The solution proposed in claim 1 of the present application therefore cannot be regarded as inventive (PCT Article 33(3)).</p> <p>2.2. The same argument applies correspondingly to independent claim 22.</p> <p>3. Novelty and inventive step for the dependent claims</p> <p>The dependent claims do not contain any features which, in combination with the features of any claim to which they refer, meet the PCT requirements for novelty and inventive step (see documents D2-D4 and the corresponding passages cited in the search report).</p>

Supplemental Box

In case the space in any of the preceding boxes is not sufficient.

Continuation of:

Box I**Basis of the report**

1. This report makes reference to the following documents:

D1: "Dual System Operation" IBM TECHNICAL
DISCLOSURE BULLETIN, IBM CORP. NEW YORK, US,
vol. 11 , no. 12, April 1990 (1990-04), pages
1899-12800, XP002075223 ISSN: 0018-8689

D2: US-A-5 483 647 (YU ET AL) 9 January 1996
(1996-01-09)

D3: "JALUNA-2 PREVIEW RELEASE 1 DESCRIPTION"
JALUNA REPORT, XX, XX, December 2002 (2002-
12), pages 1, 3, 5-32, XP001189063

D4: EP-A-1 054322 (HITACHI, LTD) 22 November 2000
(2000-11-22)